

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE ENROLLED ACT No. 206

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AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-13-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 1.1. Location of State Agencies in Downtown Areas**

**Sec. 1.** As used in this chapter, "Americans with Disabilities Act" refers to the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the act.

**Sec. 2.** As used in this chapter, "commissioner" refers to the commissioner of the Indiana department of administration.

**Sec. 3.** As used in this chapter, "department" refers to the Indiana department of administration created under IC 4-13-1-2.

**Sec. 4.** As used in this chapter, "downtown" refers to:

- (1) the central business district of a city, town, or township;
- (2) any commercial or mixed use area within a neighborhood of a city, town, or township that has traditionally served, since the founding of the community, as the retail service and communal focal point within the community;
- (3) an enterprise zone established under IC 4-4-6.1; or
- (4) a brownfield revitalization zone established under

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**IC 6-1.1-42.**

**Sec. 5.** As used in this chapter, "state agency" means:

- (1) an agency described in IC 4-13-1-1; or
- (2) a license branch operating under IC 9-16.

**Sec. 6.** Except as provided in section 9 of this chapter, the department shall establish policy to encourage state agencies to locate leased and state constructed facilities in downtown areas.

**Sec. 7.** The policy established under section 6 of this chapter may exempt certain agencies or activities from the policy.

**Sec. 8.** The policy established under section 6 of this chapter must focus on the following:

- (1) Local economic considerations.
- (2) The requirements of the agency.
- (3) Servicing client needs.
- (4) The availability of suitable space.
- (5) Competitiveness in the market place.
- (6) Ability to create positive impact on local small business.

**Sec. 9.** Notwithstanding section 6 of this chapter, the policy established by the department under section 6 of this chapter may not encourage state agencies to locate leased and state constructed facilities in downtown areas if doing so would result in new or increased taxes to the citizens of Indiana.

**Sec. 10. (a)** The policy established by the department under section 6 of this chapter must give primary consideration to the restoration or reuse, or both, of existing structures within a downtown area.

**(b)** When using existing structures, reasonable efforts shall be made to:

- (1) restore or rebuild the structure's facade, maintaining the architectural integrity of the building and streetscape according to the standards for rehabilitation under 36 CFR 68; and
- (2) ensure that the structure meets the federal Americans with Disabilities Act requirements in an aesthetically pleasing manner.

**Sec. 11. (a)** The policy established by the department under section 6 of this chapter must give secondary consideration to state construction of facilities within a downtown area if the restoration or reuse, or both, of existing structures within a downtown area is not determined to be a reasonable alternative by the department.

**(b)** With regard to state constructed facilities, the policy established by the department must provide that reasonable efforts

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shall be made to:

- (1) make the scale and facade of the structure maintain the architectural integrity of the existing streetscape;
- (2) ensure that the structure meets the federal Americans with Disabilities Act requirements in an aesthetically pleasing manner;
- (3) deny a request from a state agency to locate or to relocate outside a downtown area unless it is documented that no reasonable alternative exists. Lack of onsite parking is not alone sufficient documentation when alternative parking is available in a downtown area; and
- (4) coordinate the location of state constructed facilities with existing public and private sector organizations committed to community development, downtown revitalization, and historic preservation.

**Sec. 12.** Not later than July 1 of each year, the department shall report to the legislative council concerning the implementation of this chapter.

**Sec. 13.** The report submitted under section 12 of this chapter must include the following information:

- (1) The total number of leased and state constructed facilities reviewed by the department during the prior year.
- (2) The number of leased and state constructed facilities that were located in downtown areas.
- (3) If a leased or state constructed facility was not located in a downtown area, the reason for the lease or facility being located outside a downtown area.
- (4) The number of leases and state constructed facilities that included the restoration and reuse, or both, of an existing structure.
- (5) Measures taken by the department to encourage state agencies to locate in downtown areas.

**SECTION 2.** [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "department" refers to the Indiana department of administration created under IC 4-13-1-2.

(b) The department shall establish policy to implement IC 4-13-1.1, as added by this act, not later than January 1, 2000.

(c) Notwithstanding IC 4-13-1.1-12, as added by this act, the department shall submit the department's first report to the legislative council not later than July 1, 2001.

(d) This SECTION expires July 2, 2001.

